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423 Rec'd PTO

16 JUL 2002

ATTORNEY DOCKET NO. 14114.0343U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 23 2002

In re Application of)
CARLONE *et al.*)
Serial No. 09/623,038)
Filed: November 27, 2000)
For: "EPITOPE PEPTIDES IMMUNOGENIC)
AGAINST STREPTOCOCCUS)
PNEUMONIAE")

Group Art Unit: 1643 TECH CENTER 1600/2900

Examiner: Devi, S.

Seg Amdt
8/a
Linda
7/25/02

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

United States Patent and Trademark Office
Box PCT, P. O. Box 2327
Arlington, VA 22202

NEEDLE & ROSENBERG, P.C.
The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

July 16, 2002

Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued June 19, 2002 for the above-identified patent application. A copy of the Notice is enclosed herewith.

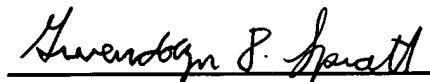
As required by the Notice, enclosed herewith is a substitute computer readable form (CRF) copy of the Sequence Listing for this patent application and a substitute paper copy of the Sequence Listing in compliance with 37 C.F.R. §§ 1.821-1.825. Applicants hereby certify that

the information in both the computer readable form and the paper copy of the Sequence Listing is the same and includes no new matter.

No fee is believed due. However, the Commissioner is hereby authorized to charge any fee that may be required, or to credit any overpayment, to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Gwendolyn D. Spratt
Registration No. 36,016

Date: 16 July 2002

The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
(404) 688-0770

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Airbill No. EL924205414US in an envelope addressed to: United States Patent and Trademark Office, Box PCT, P. O. Box 2327, Arlington, VA 22202, on the date shown below.


David Thorpe

7-16-02
Date



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,038	11/27/2000	George M. Carlone	65446	5598

7590 06/19/2002
NEEDLE & ROSENBERG, P.C.
127 PEACHTREE ST.
SUITE 1200
ATLANTA, GA 30303-1811

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JUN 25 2002
NEEDLE & ROSENBERG

14114.034312

EXAMINER	
DEVI, SARVAMANGALA J N	
ART UNIT	PAPER NUMBER
1645	7

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

BKS/PLA/tmh
1st 06/26/02
removed tmh 6/27/02
Name/Date

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/623,038	11/14/00	Carlone et al.	65446

EXAMINER	
S. Devi, Ph.D.	
ART UNIT	PAPER NUMBER
1645	7

DATE MAILED:

Please find below a communication from the **EXAMINER in charge of this application**


Commissioner of Patents

- 1) This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.
- 2) APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD OF TIME FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R 1.821(g). Extensions of time may be obtained under the provisions of 37 C.F.R 1.136. In no case may an Applicant extend the period of reply beyond the SIX MONTH statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.
- 3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. The Examiner can normally be reached on Monday to Friday from 7.45 a.m to 4.15 p.m. A message may be left on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

June, 2002


S. DEVI, PH.D.
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Applicant should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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